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10/766,267

01/27/2004

Raymond Willis Blodgett JR.

18393-512

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7590

11/22/2005

INSKEEP INTELLECTUAL PROPERTY GROUP, INC.

Attn: James W. Inskeep

Suite 205

1225 W 190th Street

Gardena, CA 90248

EXAMINER

PEDDER, DENNIS H

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/766,267

Applicant(s)

BLODGETT, RAYMOND WILLIS

Examiner

Dennis H. Pedder

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-26 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 8-14, 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasmussen.

Rasmussen has first frame member 54, floor to compartment 30 and connected to second frame member 380 or 390, figures 19A and 19B. The second frame member has first and second rails 382,384 and 382,390, respectively, each fixedly connected to each other in a horizontal plane, the plane being the juncture of the two rails. Any load encountered by the second frame member is carried by the bushings 174 and bearings 100 and is transmitted from the upper rail, connected to the slide-out floor structure, to those bushings and bearings. Because the two rails are connected across a horizontal plane, this load is inherently distributed laterally to those lateral bushings and bearings.

As to claim 11, Rasmussen has two movable members and two stationary members. Rasmussen distributes the weight of the compartment over the two rails above. The rails are joined to each other at lateral sides of their horizontal juncture surfaces.

As to claim 13, Rasmussen has a gear rack between the support rails as seen in the figures.

As to claim 19, this claim is noted to be currently amended, but not marked per Rule 121. The claim is treated upon art in order to advance prosecution. The rails above are fixed to each other in lateral direction along their horizontal juncture surfaces.

As to claim 20, the rails are connected and spaced at lateral ends.

3. Claim 11-12, 15-17 are further rejected under 35 U.S.C. 102(b) as being anticipated by Pezzaglia.

Pezzaglia has first frame member 12, first frame rail 8, and second frame rail 2 and floor disclosed. The weight of the compartment is distributed over the rails 8/2 which are laterally joined to each other at rollers 7 and tracks 8a, located at both lateral sides of the rails. The claim is noted to be open ended as to the meaning of joined.

As to claim 6, see intervening structure 7.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5, 15-17, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen in view of Smith.

Rasmussen is aware of the possibility of different configurations for the cross-sectional shapes of the dual rails, column 19, lines 57-60. Smith teaches that vehicle support beams are interchangeably channel, I, H, right circular, cylindrical, tubular or rectangular in cross section. It would have been obvious to one of ordinary skill to provide in Rasmussen rectangular or tubular support rails as taught by Smith as a known alternative in the art. Motivation is increased strength of the additional wall as an engineering trade-off to increased weight and cost.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen.

Welding is a commonly known method of connecting metallic members, obvious to use here as a strong and economical method. This rejection remains final.

7. Claims 18, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen in view of Schneider, US 5,902,001.

It would have been obvious to one of ordinary skill to provide the slide out mechanism of Rasmussen in a flush floor configuration as taught by Schneider in order to avoid occupant tripping.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pezzaglia in view of Schneider (001).

It would have been obvious to one of ordinary skill to provide the slide out mechanism of Pezzaglia in a flush floor configuration as taught by Schneider in order to avoid occupant tripping.

***Allowable Subject Matter***

9. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments filed 1/9/2005 have been fully considered but they are not persuasive.

It is noted that while not incorrect in that a connection in a horizontal plane is inherent in applicant's invention, applicant's rails are actually connected --along a vertical plane--, with or without an intervening connective structure 271.

As to applicant's argument that the weight is not distributed across the two rails, consider what would happen if the lower rail was supported by a defective bushing at right side. The bushing would fail as the load, or weight, transmitted to that side was too great for the bushing material. Ditto for the same scenario on the left side. Hence, the weight is distributed across the two rails, contrary to argument.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

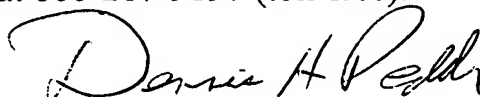
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (571) 272-6667. The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

11/17/05

DHP  
11/17/2005